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Attorneys for Movant
U.S. Bank National Association, as trustee, on behalf of the
holders of the Credit Suisse First Boston Mortgage
Securities Corp. Home Equity Pass Through Certificates,
Series, 2006-8

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

In Re:	)	CASE: 09-39426-B-13
)	
GERONIMO REYES HERNANDEZ and	)	CHAPTER 13
KIMBERLY JEAN HERNANDEZ)	
	)	REF.: ASW-1
Debtors.)	
	)	MOTION FOR RELIEF FROM
	)	THE AUTOMATIC STAY AND
	)	DECLARATION OF JO-ANN
	)	GOLDMAN IN SUPPORT
	)	THEREON
)	
	)	DATE: 11/24/09
	)	TIME: 9:31am
	)	CTRM: 33
	)	U.S. Bankruptcy Court
	)	501 I Street
	)	Sacramento, CA 95814

The Motion of U.S. Bank National Association, as
trustee, on behalf of the holders of the Credit Suisse First
Boston Mortgage Securities Corp. Home Equity Pass Through
Certificates, Series, 2006-8 respectfully shows as follows:

1. This Court has jurisdiction over this proceeding
pursuant to 28 U.S.C. Sections 157 and 1334.

1 2. This Motion is brought pursuant to Local Rule 9014-
2 1 (f)(1)(ii) written opposition, if any, to the granting of
3 the Motion shall be in writing and shall be served on the
4 moving party and filed with the Clerk by the responding
5 party at least fourteen (14) days preceding the noticed date
6 of the hearing. Unless written opposition and supporting
7 evidence are timely filed with the Court, without good
8 cause, no party will be heard in opposition to the Motion at
9 oral argument. Failure of the responding party to timely
10 file written opposition may be deemed a waiver of any
11 opposition to the granting of the Motion.

12 Opposition to the Motion shall be served on counsel for
13 Movant as follows:

14 THE WOLF FIRM, A Law Corporation
15 2955 Main Street, Second Floor
Irvine, CA 92614

16 3. On September 10, 2009, a petition under Chapter 13
17 of the Bankruptcy Code was filed by the Debtors. This is the
18 second case filed affecting the subject property.

19 4. The first case, number 08-28489, was a Chapter 13
20 filed with this Court on June 25, 2008 by Geronimo Reyes
21 Hernandez and Kimberly Jean Hernandez. Movant filed a
22 Motion for Relief from Stay on January 21, 2009 which set a
23 hearing for February 24, 2009. The Motion was granted and
24 the civil minute order granting relief was entered on
25 February 27, 2009. The case was dismissed on August 31,
26 2009. See Declaration of JO-ANN GOLDMAN filed concurrently
27 herewith.

1 5. The Debtors are surrendering the subject real
2 property through the Chapter 13 Plan which has not yet been
3 confirmed.

4 6. JAN P. JOHNSON is the Chapter 13 Trustee for this
5 case.

6 7. Movant is, and at all times herein mentioned was a
7 corporation organized and existing under the laws of the
8 United States.

9 8. Movant is the current beneficiary by way of
10 assignment under a Deed of Trust which is security for a
11 Promissory Note in the principal sum of \$296,600, with the
12 Note all due and payable on August 1, 2036. The Deed of
13 Trust encumbers real property commonly known as:

14 9 Hoy Lake Court, Sacramento, CA 95833 ("Property")
15 and legally described as set forth in the Deed of Trust,
16 which is attached to the Declaration of JO-ANN GOLDMAN.

17 9. The beneficial interest under the Deed of Trust is
18 currently held by Movant by way of assignment. See
19 Declaration of JO-ANN GOLDMAN.

20 10. There was a default under the terms of the Note
21 and Deed of Trust and on May 8, 2009, Movant caused to be
22 recorded a Notice of Default and Election to Sell.

23 11. On August 10, 2009, Movant caused to be recorded a
24 Notice of Sale.

25 12. The Property is not Debtors' principal residence.
26
27

1 13. At the time of the filing of this case, the pre-
2 petition arrearages under the Note and Deed of Trust were
3 approximately \$59,753.63.

4 14. The loan is post-petition due for October 1, 2009.
5 Further, monthly payments in the amount of \$2051.31 will
6 continue to accrue.

7 15. The total amount due under the Note and Deed of
8 Trust as of September 29, 2009, exclusive of post-petition
9 attorneys fees and costs, was approximately \$355,584.18.

10 16. The Property is also encumbered by additional
11 liens and arrearages which, when added to Movant's lien and
12 arrearages, total approximately \$460,836.71.

13 17. The fair market value of the Property is
14 approximately \$255,000.00.

15 18. The Debtors have no reasonable prospect for
16 reorganization and the Property is not necessary for an
17 effective reorganization.

18 19. Movant does not have, and has not been offered,
19 adequate protection for its interest in the Property and the
20 passage of time will result in irreparable injury to
21 Movant's interest in the Property including, but not limited
22 to, loss of interest and opportunity.

23 20. For all the reasons set forth herein, there is
24 cause for relief from stay including, but not limited to,
25 lack of adequate protection and the Debtors' failure to make
26 the required Deed of Trust payments.

1 WHEREFORE, Movant prays for the judgment against
2 Respondents as follows:

3 (1) That the automatic stay be terminated so that
4 Movant may exercise or cause to be exercised any and all
5 rights under the Deed of Trust and underlying Note and any
6 and all rights after the foreclosure sale, including, but
7 not limited to, the right to consummate foreclosure
8 proceedings on the property and the right to proceed in
9 unlawful detainer;

10 (2) For reasonable attorneys' fees as a secured claim
11 under 11 U.S.C. Section 506(b);

12 (3) For the waiver of the 10 day stay pursuant to
13 Bankruptcy Rule 4001(a)(3).

14 (4) For such other and further relief as the Court
15 deems just and proper.

16 Dated: October 13, 2009

17
18 /s/ Alan Steven Wolf
19 ALAN STEVEN WOLF
20 Attorneys for Movant
21 U.S. Bank National Association, as
22 trustee, on behalf of the holders of
23 the Credit Suisse First Boston
24 Mortgage Securities Corp. Home
25 Equity Pass Through Certificates,
26 Series, 2006-8
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